

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN KACHAYLO,

Plaintiff,

v.

**BROOKFIELD TOWNSHIP BOARD
OF TRUSTEES, et al.,**

Defendants.

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CASE NO: 4:10-CV-00795

JUDGE SARA LIOI

**ANSWER OF DEFENDANTS
BROOKFIELD TOWNSHIP BOARD
OF TRUSTEES, GARY LEES, JOHN
SCHMIDT, RONALD HAUN,
JANALYN SALOOM, AND KEITH
BARRETT**

TRIAL BY JURY DEMANDED

Now come the defendants, Brookfield Township Board of Trustees, Gary Lees, John Schmidt, Ronald Haun, Janalyn Saloom, and Keith Barrett, and for their answer to the plaintiff's complaint herewith aver:

FIRST DEFENSE

1. The plaintiff has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

2. Defendants admit the allegations contained in paragraphs 3, 4, and 6 of the complaint.
3. The defendants admit that plaintiff was employed by Brookfield Township in Trumbull County, Ohio but further answering, deny the remaining allegations contained in paragraph 5 of the plaintiff's complaint.
4. The defendants admit that the Social Security Act 42 U.S.C. § 1395 *et seq.*, and 42 U.S.C. § 1396 regarding Medicaid, are Federal statutes providing regulation; further answering, the defendants deny the remaining allegations contained in paragraphs 8 and 9 of the plaintiff's complaint.

5. The defendants deny the allegations contained in paragraphs 1, 2, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the plaintiff's complaint and specifically deny every allegation not admitted to be true.

THIRD DEFENSE

6. The plaintiff has failed to initiate his claim within the applicable statute of limitations.

FOURTH DEFENSE

7. The plaintiff has failed to fulfill conditions precedent and subsequent, thus barring the claims in the complaint.

FIFTH DEFENSE

8. The plaintiff, by his acts or omissions, including consent, bar the claims in the complaint.

SIXTH DEFENSE

9. The allegations against the individual defendants are barred under principles of qualified immunity.

WHEREFORE, having fully answered, defendants Brookfield Township Board of Trustees, Gary Lees, John Schmidt, Ronald Haun, Janalyn Saloom, and Keith Barrett, demand that the plaintiff's complaint be dismissed with costs assessed against the plaintiff.

s/Gregory A. Beck
Gregory A. Beck (0018260)
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JURY DEMAND

A trial by jury is demanded herein on all issues presented to the court.

s/Gregory A. Beck
Gregory A. Beck (0018260)
BAKER, DUBLIKAR, BECK,
WILEY & MATHEWS
Counsel for Defendants

PROOF OF SERVICE

I hereby certify that on the 12th day of August, 2010, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Gregory A. Beck
Gregory A. Beck (0018260)
BAKER, DUBLIKAR, BECK,
WILEY & MATHEWS
Counsel for Defendants